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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,580	09/29/2000	Scott R. Sargent	10022/040	1386

7590 06/21/2004

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EXAMINER

CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2151

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DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,580

Applicant(s)

SARGENT, SCOTT R.

Examiner

Andrew Caldwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.7-8.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Remarks

Claims 1-38 are pending.

Listed on the Form 892 attached to this Office action is the search results from the Copyright Office database indicating that the Ryan reference used in the rejection under 35 U.S.C. 102(b) was published on November 24, 1997.

A search of the U.S. Patents indicate that the following are related, commonly assigned at the present time, and qualify as prior art only under 35 U.S.C. 102(e): US 6742015 B1, US 6738736 B1, US 6718535 B1, US 6715145 B1, US 6704873 B1, US 6701514 B1, US 6701345 B1, US 6697824 B1, US 6671818 B1, US 6662357 B1, US 6640249 B1, US 6640244 B1, US 6640238 B1, US 6636242 B2 US 6633878 B1, US 6629081 B1, US 6615253 B1, US 6615199 B1, US 6615166 B1, US 6609128 B1, US 6606744 B1, US 6606660 B1, US 6601234 B1, US 6601233 B1, US 6601192 B1, US 6578068 B1, US 6571282 B1, US 6550057 B1, US 6549949 B1, US 6539396 B1, US 6536037 B1, US 6529948 B1, US 6529909 B1, US 6523027 B1, US 6519571 B1, US 6502213 B1, US 6502102 B1, US 6496850 B1, US 6477665 B1, US 6477580 B1, US 6473794 B1, US 6442748 B1, US 6438594 B1, US 6434628 B1, US 6434568 B1, US 6405364 B1, US 6370573 B1, US 6339832 B1, US 6332163 B1, US 6256773 B1, US 6715145 B, US 6615199 B, and US 6434568 B. All of these patents deal with Netcentric computing as does this application. In order to advance the prosecution, the Applicant should seriously consider filing a statement of common ownership with respect to *all* of these patents, where appropriate, to remove these references as prior art under 35 U.S.C. 103.

Information Disclosure Statement

The information disclosure statements submitted on March 12, 2001 (paper no. 4), July 16, 2001 (paper no. 8), and October 15, 2001 (paper no. 7) have been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 and 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the scope is unclear because the Applicant uses the word "may" to introduce the Markush groups for the system services and the application services. For example, claim 1 says that the "system services ... may be selected from the group consisting of" Although the system services may be selected from the group, they may not be. This makes the claim unclear as to whether the members of the Markush group are required features of the claims. The Examiner suggests amending the claims to substitute the word *are* for the phrase *may be*. Claims 2-16 are rejected because they depend on claim 1. Claim 9 is also rejected because it uses the permissive term *may* in reference to the application security services. Claim 17 is a method claim

1 corresponding to apparatus claim 1 and contains the same problem. Claims 18-32 are
2 rejected because they depend on claim 17. Claim 25 is a method claim corresponding
3 to apparatus claim 9 and is rejected for the same reasons. As to claims 35-36, the
4 reasons for rejection should be apparent from the discussion of claim 1 above.

5
6 ***Claim Rejections - 35 USC § 102***

7 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
8 form the basis for the rejections under this section made in this Office action:

9 A person shall be entitled to a patent unless –

10 (b) the invention was patented or described in a printed publication in this or a foreign country or in public
11 use or on sale in this country, more than one year prior to the date of application for patent in the United
12 States.
13
14

15 Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan,
16 H., et al., Netcentric Computing: Computing, Communications, and Knowledge, CRC
17 Press, pp. 1-413, November 24, 1997. Pages 64-72 are particularly relevant.

18
19 Regarding claim 1, Ryan anticipates the claimed invention by disclosing an
20 environment services architecture for a netcentric computing system comprising:

21 Runtime services for converting non-compiled computer languages into
22 machine code during the execution of an application on said netcentric
23 computing system (pp. 65-66 Runtime Services);

24 System services for performing system-level functions that may be
25 selected from the group consisting of system security services, profile

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1 management services, task and memory management services and environment
2 verification services (pp. 66-67 System Services);

3 Application services for performing common functions in said netcentric
4 computing system, wherein said common functions may be selected from the
5 group consisting of application security services, error handling/logging services,
6 state management services, active help services, application integration services
7 and common services (pp. 67-69 Application Services);

8 A component framework service for providing components of said
9 netcentric computing system with a standard infrastructure for allowing an
10 application running on components to communicate within and across
11 applications in said netcentric computing system (pp. 69-72 Component
12 Framework Services);

13 Operating system services for providing said netcentric computing system
14 with underlying basic computing services (p. 64 Operating System Services).

15 Regarding claim 2, Ryan teaches a system wherein said virtual machine services
16 include language interpreter services and virtual machine services (pp. 65-66).

17 Regarding claim 3, Ryan teaches a system wherein said language interpreter
18 services decompose a scripting language into machine code at runtime (pp. 65-66
19 Language Interpreter Services).

20 Regarding claim 4, Ryan teaches a system wherein said virtual machine services
21 include at least one virtual machine (p. 65 Virtual Machine Services).

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1 Regarding claim 5, Ryan teaches a system wherein said system security
2 services provide applications with the ability to interact with native security mechanisms
3 that are used by an operating system on said netcentric computing device (p. 66
4 Security System Services).

5 Regarding claim 6, Ryan teaches a system wherein said profile management
6 services are used to access and update a plurality of user or application profiles (p. 66
7 Profile Management Service).

8 Regarding claim 7, Ryan teaches a system wherein said environment verification
9 services monitor, identify and validate application integrity before said application is
10 executed on said netcentric computing system (pp. 66-67 Environment Verification
11 Service).

12 Regarding claim 8, Ryan teaches a system wherein said task and memory
13 management services allow applications or events to control individual computing tasks
14 or processes and manage memory resources in said netcentric computing environment
15 (p. 66 Task and Memory Management Services).

16 Regarding claim 9, Ryan teaches a system wherein said application security
17 services may be selected from the group consisting of user access services, data
18 access services and function access services (pp. 67-68 Application Security Services).

19 Regarding claim 10, Ryan teaches a system wherein said error handling/logging
20 services present users of said netcentric computing system with an explanation of
21 errors and logs error events in a database (p. 68 Error Handling/Logging Services).

1 Regarding claim 11, Ryan teaches a system wherein said state management
2 services enable information to be shared between windows, web pages and
3 applications in said netcentric computing system (pp. 68-69 State Management
4 Services).

5 Regarding claim 12, Ryan teaches a system wherein said code table services
6 enables applications or a client to use externally stored parameters and validation rules
7 on said netcentric computing system (p. 69 Other Common Services).

8 Regarding claim 13, Ryan teaches a system wherein said active help services
9 enable applications to provide assistance to a user or a client for a specific task in said
10 netcentric computing system (p. 69 Help Services).

11 Regarding claim 14, Ryan teaches a system wherein file services enable
12 applications to use, manage and write to files that are located in said netcentric
13 computing system (p. 62 File Sharing Service).

14 Regarding claim 15, Ryan teaches a system wherein said application integration
15 interfaces services provide a gateway for passing context and control of information to
16 an external application (pp. 69-72 Component Framework Services, particularly first
17 paragraph in section).

18 Regarding claim 16, Ryan teaches a system wherein said common services
19 provide a plurality of reusable routines that may be used across a set of applications in
20 said netcentric computing system (pp. 69-72 Component Framework Services – where
21 components are inherently reusable across a set of applications).

1 Regarding claims 17-32, they are method claims corresponding to apparatus
2 claims 1-16, respectively. Since the remarks given above with respect to claims 1-16
3 apply equally to claims 17-32, no separate reasons for rejection will be given.

4 Regarding claim 33, Ryan teaches an environment services architecture for a
5 netcentric computing system comprising:

6 At least one web server connected with a remote client (p. 35, particularly
7 paragraph 4 - web service and web browser and p. 36 Exhibit 2);

8 Wherein said client and said web server include runtime services, system
9 services, application services, a component framework service and operating
10 system services (pp. 64-72).

11 Regarding claim 34, Ryan teaches a system wherein said runtime services
12 convert non-compiled computer languages into machine code during the execution of
13 an application on said netcentric computing system (pp. 65-66 Runtime Services).

14 Regarding claim 35, Ryan teaches a system wherein said system services
15 perform system-level functions that may be selected from the group consisting of
16 system security services, profile management services, task and memory management
17 services and environment verification services (pp. 66-67 System Services).

18 Regarding claim 36, Ryan teaches a system wherein said application services
19 perform common functions in said netcentric computing system, wherein said common
20 functions may be selected from the group consisting of application security services,
21 error handling/logging services, state management services, active help services,
22 application integration services and common services (pp. 67-69 Application Services).

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Regarding claim 37, Ryan teaches a system wherein said component framework service provides components of said netcentric computing system with a standard infrastructure for allowing an application running on components to communicate within and across applications in said netcentric computing system (pp. 69-72 Component Framework Services).

Regarding claim 38, Ryan teaches a system wherein said operating system services provide said netcentric computing system with underlying basic computing services (p. 64 Operating System Services).

Conclusion

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

Andrew Caldwell

Andrew Caldwell

703-306-3036

June 12, 2004